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SUPREME COURT, U.S.

IN THE SUPREME COURT OF

THE UNITED STATES

Case No. 06-1564

Charles Gray,
Petitioner

v.

C. TERRY BLANTON; WILLIAM S. DOMINY; CHARLES "CHUCK" WILSON; FOXWORTHY, INC., A NEVADA CORPORATION; PERRIE & COLE, LLC; CBS/Channel 46 of Atlanta; *et al.*
Respondents

A PETITION FOR A WRIT OF CERTIORARI TO THE GEORGIA COURT OF APPEALS

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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RESPONDENT'S RESPONSE TO PETITION FOR WRIT OF CERTIORARI

Respondent C. Terry Blanton appears *pro se* and files this Response in Opposition, including statements of material facts and brief of law, in response to Petitioner Gray's Petition for Writ of Certiorari, hereto filed to this Honorable Court.

STATEMENTS OF MATERIAL FACTS.

Despite Petitioner's statements to the contrary, the following are the indisputable statements of fact concerning the various civil actions that Respondents have been involved in, with Petitioner Gray.

The first and perhaps the single most important fact of all in the underlying four (4) separate civil actions (including the instant case upon which the Writ is requested), which began in 2002, is that at all times during the course and conduct of all the underlying civil action matters, Charles Gray was not ever the owner of the Respondent Property. Indeed by his own statements, it is undisputed that at all times during the litigation surrounding the 897 Edgewood Avenue property (the "Respondent Property"), Petitioner Gray was always and only a tenant of the Respondent Property that was owned by John B. Nelson.

Next, C. Terry Blanton, an attorney and State Bar Member in Georgia, represented Foxworthy, Inc. in an underlying quiet title action in which Foxworthy was declared the fee simple title owner of the property located at 897 Edgewood Ave., Atlanta, Georgia. It was determined in that underlying quiet title action (Civil action no. 02-CV-51576, Fulton Superior Court – the "Title Litigation") that the owner of the Property, John B. Nelson, received a statutorily requisite tax deed "barment" of the equity of

redemption notice from Foxworthy and failed to redeem the tax sale Respondent Property within the required period of time.

In fact, at the referenced Special Master's hearing which Blanton attended and represented Foxworthy, Inc., and at which hearing Petitioner Gray was physically present, the Respondent Property Owner Nelson admitted under oath that he received both the statutory notice to bar the equity of redemption from a tax sale (the "barment" notice), and that he was personally served with process of service in the referenced Quiet Title petition case.

In said Title Litigation, it was also determined that Petitioner Gray had no standing to litigate any issues as to the ownership of, or the receipt of any notices – other than service of process – in such matter, as Petitioner was, by his own admission, just the "caretaker" of the Property, and that Gray had no other right, or title in or to the Respondent Property. [R-338–349].[1]

The second case brought by Gray as to a continuation of these spurious and outrageous allegations and arguments was *Gray v. Levenson, Blanton, et al.*, Civil Action No. 03CV-66997, Fulton Superior Court (the "Second Case"). The Second Case was subsequently closed by the trial court, after the entry of a Final Order Dismissing Case. In such Second Case civil action, as best as Petitioner's rather obtuse complaint could be interpreted, Judge Louis Levenson (as a Fulton County Magistrate), The Fulton County Sheriff, Blanton, Foxworthy, Inc. and Dominy were accused of violating Petitioner's "due process" rights. [R-44].

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1 All references shown by "R" are references to the appellate Record of the instant matter, as filed in the Georgia Court of Appeals, Case No. **A06A0589**.

In the Second Case, Blanton, Foxworthy, Inc. and Dominy filed a motion to dismiss, which motion was granted by such final Order Dismissing Case [R- 44–47]. In such Final Order, Hon. Stephanie Manis, as the trial judge found and held that, as a matter of law, the "Blanton" Respondents had no due process or equal protection obligations to Petitioner, under the United States or the Georgia Constitutions. The fraud claims against the "Blanton" Respondents were also dismissed in that, by Petitioner's own allegations, such putative fraudulent statements were made to other parties, and were–moreover–made in the course of, and pursuant to, pending litigation. [R- 45-46]. After the end of the Second Case, pursuant to an Order of the Magistrate Court of Fulton County, Petitioner was dispossessed and evicted from the Respondent Property, on December 8, 2003, as Petitioner admits in his Writ petition to this Court.

While Petitioner was being physically evicted from the Respondent Property pursuant to the writ of possession obtained by Attorney William S. Dominy on behalf of Foxworthy, Inc., Blanton and Dominy were at the Respondent Property to view the eviction proceedings on behalf of their client, Foxworthy, Inc. During the eviction proceeding, Petitioner Gray was interviewed by an Atlanta TV Channel 46 news reporter, during which interview he apparently repeated his contentions made throughout the proceedings of underlying Title Litigation, the Second Case, and the Dispossessory action, and the instant case upon which this Writ petition is based, that the actual owner of the Respondent Property, John Nelson, was never served with "notice", ostensibly of the proceeding to bar or foreclose the equity of redemption after a tax sale; or that somehow either Nelson's or Gray's "due process rights" were violated because of a lack of notice of the pending tax deed barment and/or quiet title litigation or dispossessory litigation matter(s).

When the Channel 46 Reporter then asked Blanton about Petitioner's contention that Nelson had never received notice of the barment proceeding or the underlying civil action Quiet Title Petition, Blanton indicated such statements were lies.

The underlying Quiet Title Petition was an action filed by Appellee Foxworthy, Inc. against certain real property identified therein as the "Respondent Property" Such Quiet Title Petition case was styled as *Foxworthy, Inc. v. 897 Edgewood Avenue, John Nelson, et al.*, civil action file number 02cv-51576, Fulton Superior Court (the "Title Litigation"). Such case was originally assigned to Hon. Judge Stephanie Manis; and thereafter assigned to Hon. Judge Barry L. Zimmerman, as the requisite Special Master, pursuant to O.C.G.A., § 23-3-63.

On August 2, 2002, the Special Master, Hon. Barry L. Zimmerman conducted a hearing on the various and several motions filed by the parties, including Petitioner. [R-Exh. "A", 339]. The Special Master took testimony from John B. Nelson, the Property owner, the Special Master heard from Charles Gray {Petitioner herein}, and the Special Master received statements in his place from Mr. Blanton. Based upon such hearing, and the admission of certain and sundry documentary evidence, the Special Master submitted a Final Report, including Findings of Fact and Holdings of Law.

Such Special Master's Final Report was attached as an exhibit to Gray's "Motion for Summary Judgment and Blanton's subsequent response to Petitioner's Motion for Summary Judgment; "Re-Stated Motion for Pre-Trial Conference and Case Management Order", filed March 28, 2005 with the Trial Court in this instant matter. [R- 328–349].

In such Special Master's Final Report, a number of most pertinent Findings of Fact were adduced by said Special Master. First, the Special Master found as a matter of fact that Service of Process upon the named Respondent Property was perfected by personal service. [R- 339]

Next, the Special Master found as fact that Petitioner Gray was duly and properly served by service of process of the underlying Title Litigation on or about April 17, 2002. The Special Master found further that Petitioner Gray was not the owner of the Respondent Property, 897 Edgewood Avenue. Indeed, the Special Master noted that Petitioner Gray by his own admission, *in judicio*, was nothing more than an occupant-"caretaker" of the Respondent Property. [R-340] As of the date of the Special Master's Hearing, Gray had not filed any answer, denying the material allegations and contentions of the Quiet Title Petition. [R-340]

As to the actual property owner, John B. Nelson, the Special Master found that Nelson was duly and properly served by service of process of the Title Litigation on or about May 25, 2002. As of the date of the Special Master's hearing on August 2, 2002, Nelson had not filed any document that could be construed and qualified as an answer, denying the material allegations and contentions of the Quiet Title Petition. Accordingly, at that time Nelson was found by the Special Master to be in irrevocable and absolute default. [R- 342].

Furthermore, at the time of service upon Nelson of the original Quiet Title Petition, Petitioner Foxworthy, Inc., through counsel Blanton, had also served First Requests for Admissions {the "RFA"}, pursuant to O.C.G.A. {the Official Code of Georgia Annotated}, § 9-11-36. With respect to any response by Nelson to such RFA, the Special Master found as fact that Nelson did not respond to such

Requests for Admissions within forty-five (45) days from May 25, 2001, and such requests for admissions were therefore all deemed admitted as a matter of law. [R- 342-343]

As to the proceeding to foreclose and bar the right of redemption from a tax sale {pursuant to O.C.G.A., §§ 48-4-45—46 (the "barment" proceeding)}, the Special Master found, based upon his testimony, that Nelson had actual personal knowledge of the pendency of the statutory barment proceeding by not later than March 4, 2002; and that he had received by facsimile transmission a copy of the redemption amount calculation notice by not later than March 13, 2002. Nelson's right to redeem such property from such tax sale expired on or about March 17, 2002. [R-344].

The Special Master further noted at the hearing that no one, including both Petitioner Gray and Nelson had ever made any requisite tax sale redemption amount tender, pursuant to O.C.G.A., 48-4-47. Indeed, Nelson testified that he would not make any tender of the statutory redemption amount. [R-340, 343]

The Special Master's Report was accepted, approved and incorporated into Judge Manis' Final Order in Civil Action No. 02CV-51576, which was signed and filed on November 27, 2002. Such final judgment was never actually appealed, nor reversed by any appellate court.

When Blanton was approached by the Channel 46 Reporter on December 8, 2003, the issues that Blanton understood he was asked to respond to, had to do with whether or not Gray or Nelson had received certain notice(s), either as to the barment proceeding, or as to service of process of the notice of the Quiet Title Litigation, or whether service of the dispossessory action was proper as against the

property and tenant only [in that only possession of the premises was being requested as to the Writ of Possession].

In that Blanton and his firm had completed the statutory "barment" proceeding, had filed and prosecuted the Quiet Title Petition matter, and had attended the various and several different hearings on the petition for the writ of possession (over a period of more than a year) in the Magistrate Court of Fulton County, Blanton had personal knowledge that Nelson had been personally served with both the barment proceeding and the Quiet Title Petition proceeding.

Moreover, Blanton knew that service had been perfected, pursuant to applicable state statutes in the dispossessory action. Blanton therefore also knew from personal knowledge that the "owner of the house admitted under oath that he had been properly served", as per the Special Master's Report, and that at least two final orders of judgment had been entered which documented that "due process was done" as to Nelson and Gray.

As to any supposed violation of "due process" claim by Petitioner against any of the Respondents, any such claim was denied by the Final Order of the trial Court, filed October 29, 2003, in the Second Case, *Gray v. Levenson, Blanton, et al.*, Civil Action No. 03CV-66997, Fulton Superior Court {presided over by Judge Manis} [R- 44—49].

As to the allegations against the Honorable Stephanie Manis, a judge of the Fulton County, Georgia Superior Court (Atlanta Circuit), there is absolutely no evidence cited by Gray to support the spurious and outrageous allegations against Judge Manis, or indeed as to such allegations against the Hon. Judge Ellington of the Georgia Court of Appeals. In simple point of fact, there is no factual basis to any of

Gray's allegations against any of the Respondents, and/or against Judge Zimmerman.

Moreover, Gray's statements to the contrary, Blanton having personal knowledge thereof as Foxworthy's attorney, Blanton states that Vesta Holdings and Foxworthy, Inc. do not now, nor have such entities ever had an "associate" relationship, as described by Gray. Next, Gray makes yet another misstatement of fact when he alleges as to Attorney Robert Proctor's activities as a purported unlicensed lobbyist. There is absolutely no evidence to support any allegation that Mr. Proctor ever lobbied, illegally or otherwise on behalf of Foxworthy, Inc. In any event, such allegations are not germane to Gray's petition.

Petitioner makes a statement[2] that "Gray also had a prior mortgage on the property." Blanton has reviewed the public deed records as to the Respondent Property on numerous occasions, and there is no public record entry reflecting that Gray ever had a mortgage on the Respondent Property. Moreover, and in any event, as Petitioner did not raise the issue in the Title Litigation, such allegation is factually untrue, and is *res judicata* as to any such issue.

ARGUMENT AND CITATIONS OF AUTHORITY.

1) **This Petitioner Has No Standing To Bring And/or Maintain Claims in the Petition.**

a) *This Petitioner is Not An Attorney*: Respondent submits that Petitioner Gray, in any event, has no standing whatsoever to bring any factual or legal claims or filings for relief on behalf of any other Party, which Gray has done in effect on behalf of John Nelson. The entire gravamen of his filings in all four cases is about

2 *Petition for Writ*, pg. 7, 2nd ¶.

several and various issues dealing with a supposed lack of service of notice **upon John B. Nelson**, of either a notice of the Dispossessory petition, or the Sheriff's levy and sale proceeding, and/or the service of process upon John B. Nelson in the barment proceeding, and/or in the Title Litigation.

It is beyond question or dispute that Petitioner Gray is not now, nor has he ever been, a member in good standing of the Georgia Bar Association. In that he is not admitted to practice law in Georgia, Gray can only appear in representation of himself, *pro se*. It is further beyond dispute that Gray cannot, under any circumstances appear on behalf of, and represent, any other person or entity in this, or indeed in any, matter.

It goes without saying, therefore, that he cannot represent John B. Nelson or make or maintain legal claims on behalf Mr. Nelson, even if he was, as he claims, some sort of "caretaker" agent for Mr. Nelson. This is also true as to the issues being raised in the Petition as to any lack of notice to Nelson, or any allegation raised as to any State or Federal RICO claims, in that Gray was not the owner of, or had any title to the Respondent Property; and as the Tenant in the Respondent Property, he had no other or further possessory rights more than the Owner, Nelson, had.

b) *Petitioner Has No Standing, For His Failure to Make The Redemption Tender:* Furthermore, Petitioner is continuing to make some sort of argument or issue that he, as a tenant, has the right to continue to bring or maintain these continuing actions because his landlord/owner of the Respondent Property was allegedly not served with certain notices, at certain times.

That is to say, Gray, with no legal standing to do so, is raising issues of fact or law that rest uniquely in the Respondent Property Owner, John Nelson; with the claim that because of such issues, Gray–strictly as a tenant–is nonetheless entitled to continue to raise these issues. In effect, Gray is in this Petition, as he has continuously throughout the pendency of four (4) separate civil actions, contesting the validity of the tax sale proceeding generally, on behalf of Nelson, by arguing that **Nelson did not get certain notices**.

That having been said, however, one of the requirements for any person or entity who is seeking to set aside or void a tax levy and sale proceeding is that of the tender of the proper redemption amount as a prerequisite for bringing and maintaining such action. Gray has absolutely failed to comply with such a requirement of law prior to filing or maintaining any substantive Response or pleading with respect to the issues as raised by Gray.

All the applicable statutory and case law in Georgia holds that, as an absolute condition precedent to seeking to redeem or maintaining any action to redeem property sold at a tax sale, or to attack the validity of the Tax Deed, or the proceeding to bar the equity of redemption, this or any such Petitioner must make a continuing tender of the proper and full redemption amount in a timely manner.

The underlying tax execution and levy, and subsequent lien and tax sale in this matter is based upon the admitted and uncontested fact that there were, at the time, unpaid State and County real estate ad valorem taxes on the Respondent Property. Furthermore, it is undisputed that all of the operative factual allegations of the Quiet Title

petition are all true and correct, in that there was a valid tax sale and tax deed conveyance.

The precise statute setting out the requirement, with regard to a Petitioner seeking to redeem from the tax sale, and/or to set aside or void the sale, and subsequent tax deed, is O.C.G.A. § 48-4-47, which states in pertinent part, as follows:

> (a) After notice to foreclose the right of redemption . . . has been given, no action shall be filed, allowed, sanctioned, or maintained for the purpose of setting aside, canceling, or in any way invalidating the tax deed referred to in the notice or the title conveyed by the tax deed unless and until the [party bringing] the action **pays or legally tenders to the grantee in the deed or to his successors the full amount of the redemption price for the property**, as provided for in this article. [Emphasis added]

This absolute requirement of the tender of the redemption, under Georgia law, mandates that any party seeking to redeem property from a tax sale or to set aside such tax sale must first make a tender of the proper redemption amount, is based upon the equitable maxim that "he who would have equity must do equity", so that not only must the party seeking equitable relief from a tax sale have paid or tendered sum due to the other party, but the Petitioner herein must have done so before filing of the party's action or, as in this case, the filing of a response to, or motion to dismiss, the Quiet Title action

to confirm such tax sale.[3] {*See, for example, Hill v. City of Savannah*, 333 Ga. App. 742 (1998)}

2) **The Trial Court did not abuse its discretion by Granting Summary Judgment as to All Claims of Defamation.**

Next, Petitioner's claims for defamation fail as a matter of law for two reasons. First, during the course of the TV interview, Blanton only made three substantive statements: (1) "That's a lie", (2) "...got a court order saying due process was done"; and (3) "the owner of the house [John Nelson] admitted under oath that he had been properly served".

The second and third statements are, as a matter of fact and law, *per se*, not defamatory, in that both statements are true, and neither statement, in and of itself, falls within any of the four definitions of defamatory language, as set out in O.C.G.A., § 51-5-4.

Blanton told the truth when he stated that service of notice and process against Petitioner and Nelson both was perfected in the underlying Title Litigation when the Special

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[3] *Durham v. Crawford*, 196 Ga. 381, 26 S.E.2d 778 (1943); *See, e.g., Machen, et al. v. Wolande Management, Inc.*, 271 Ga. 163 (1999). See also, the following language from ***Pindar, Georgia Real Estate Law***: "Equity will not ... cancel a defective tax sale until the [putative] owner tenders the amount of tax due and payable." [§ 4-53, *Pindar, infra*], and ". . . where the Petitioner [in fi fa] has not paid or tendered the [proper redemption] amount ... admittedly due, relief will be denied." § 4-54, *Pindar, infra*, citing *e.g., Derrick v. Campbell*, 219 Ga. 795 (1964); *See also, Register v. Langdale*, 226 Ga. 82, 84 (1970).

Master's Report held that service was made to the owner of the Property, John Nelson, by the sworn testimony of Nelson himself. [R- 342]. Furthermore, in both the Title Litigation and the Second case, both Final judgments *per se* stand as proof that the Georgia courts have ruled that "due process" was done as to Nelson and Gray.

Next, Petitioner has failed to prove at least one of the essential elements of defamation under O.C.G.A. § 51-5-4. Accordingly, the Respondents were entitled to summary judgment, as a matter of law, on Petitioner's claims for slander and defamation.

Blanton told the truth. Under Georgia law, there is no claim for defamation where the statements are true. [O.C.G.A. § 51-5-6; *McDonald v. Few*, 270 Ga. App. 671 (2004); *Kersey v. U.S. Shoe Corp.*, 211 Ga.App. 655 (1994)]. Here, Blanton responded to a question posed by a Channel 46 news reporter. The question itself was not aired and Channel 46 did not archive the actual question posed by the Channel 46 news reporter. Blanton recalls he was asked about Petitioner's claims that the owner of the Property, John Nelson, never got "due process", in that he had never received notice of several proceedings, in general dealing with the foreclosure of the equity of redemption from a tax sale, or perhaps the subsequent Quiet Title Petition action.

The Special Master's Report in the underlying quiet title action made a finding of fact that Nelson received service of the "barment" notice and the Quiet Title Petition [R – "Special Master's Report", pp. 341–344]. Petitioner was a party to the underlying lawsuit, was physically present at the actual Special Master's hearing, and knew about the Special Master's Report, including such Findings of Fact, which Quiet Title Petition case Petitioner attempted to appeal, even though by his own testimony, he was always and only the Property "caretaker".

Accordingly, Blanton's statement that Petitioner lied about Nelson not being served with either the barment notice or service of process in the Quit Title Case was true. Petitioner cannot sustain a cause of action for defamation in light of the fact that Blanton spoke the truth. Under all Georgia law, the truthfulness of the statements made by Blanton is an absolute defense to any claim by Petitioner for defamation. [*See, for example, McDonald v. Few, supra.*

3) **Petitioner Fails To Establish One Of The Four Essential Elements Of Slander**

To prevent petty lawsuits over whether a party spoke the truth about another, there are four general elements (all of which must proven) that Petitioner must establish in order to make out his case for defamation; *i.e.*, (1) a false and defamatory statement concerning the Respondents; (2) an unprivileged communication to a third party; (3) fault by the Petitioner amounting at least to negligence; and (4) special harm or the "actionability of the statement irrespective of special harm." [*See, generally, the Restatement of Torts, see also, Mathis v. Cannon*, 276 Ga. 16 (2002)]. When the undisputed facts are reviewed and taken into account, it is clear that Petitioner cannot, as a matter of fact and law, establish any one of these four elements.

Next, O.C.G.A. § 51-5-4 requires that the party bringing a defamation action for either slander or libel must establish at least one of the following four elements:

(A) Imputing to another a crime punishable by law;

(B) Charging a person with having some contagious disorder or with being guilty of some debasing act which may exclude him from society;

(C) Making charges against another in reference to his trade, office, or profession, calculated to injure him therein; or

(D) Uttering any disparaging words productive of special damage which flows naturally therefrom [O.C.G.A., § 51-5-4]

It must be clear that none of Blanton's statements fall under sub-paragraphs 1 and 2 above. It is equally true that Blanton's statements were not in any way uttered in context of Petitioner's admitted status or employment as a supposed "caretaker". Finally, nowhere has Petitioner even alleged or alluded to any special damages that he has suffered.

In his original Complaint, Petitioner alleged that Blanton's statements imputed that Petitioner had engaged in criminal activity, including perjury, obstruction of justice, slander of title, slander and fraud. Of course, Blanton's second and third statements did not do any of these, and in fact, neither of these statements comes under any of the above cited definitions; and moreover such statements are, in fact true.

However, as a matter of law, Blanton's response–"that's a lie"–to Petitioner's statements to a television reporter in which Petitioner claimed that the Property owner, John Nelson, never received certain notices does not rise to the level of accusing Petitioner of a crime.

The Trial Court held that the statement. "that's a lie" was a statement of opinion by Blanton, which statement of opinion was based upon the other two statements, both of which were and are demonstrably true. Such holding by the Trial Court is based in large part on the holding of the Court of Appeals in *Jaillett v. Georgia Television Co.*, 238 Ga. App. 885 (1999), which decision was based in primary part on the decision of the United States Supreme Court in *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990).

Whether or not such statement is a protected statement of opinion, it is still not actionable, in that it does not meet the four requirements in order to maintain a defamation action under the *Mathis* case, *infra*; or fit into any of the four elements of the tort, as set out in O.C.G.A., § 51-5-4.

The statement "that's a lie" made no reference whatsoever to Petitioner's trade or profession. To the extent that Petitioner makes some claim that Blanton's statements injured him with respect to his trade, office or profession, Petitioner must show first that such statements make reference to his trade as a "caretaker". Of course, the statements on their face make no such reference. As such, Blanton's statement "that's a lie" clearly refers only to Petitioner's assertion that due process – or a lack of notice – was not done in the barment proceeding, or in the Quiet Title petition, or perhaps in the dispossessory action.

Petitioner's complaint fails completely to even allege, let alone establish, any special damages as a result of Blanton's statement; and in fact, again, such statement does not rise to the level of defamation under of the definitions of O.C.G.A., § 51-5-4 and as noted under the test set forth in *Mathis*. Thus, Petitioner, as a matter of law, has failed to make out a claim for defamation, either libel or slander.

4) **Petitioner Has the Burden of Proof as to His Claims of Defamation.**

In reviewing matters of libel, slander, and defamation, the Supreme Court of Georgia places the burden of proof squarely upon the Respondents. In a unanimous decision by the Georgia Supreme Court, in *Cox Enterprises, Inc. v. Nix*, 274 Ga. 801 (2002), the Court stated:

> [I]n defamation cases it is the rule with regard to summary judgment that a Petitioner who will not

> bear the burden of proof at trial need not affirmatively disprove the nonmoving party's case, but may point out by reference to the evidence in the record that there is an absence of evidence to support any essential element of the nonmoving party's case, and that the nonmoving party cannot then rest on its pleadings, but rather must point to specific evidence giving rise to a triable issue.

The Georgia Court of Appeals followed this rule of law in *Simmons v. Futral*, 262 Ga. App. 838 (2003), by noting, "The burden of proving falsity in an alleged defamatory statement is on the Plaintiff."

Petitioner failed to show how the findings of fact made by the Special Master in 2002CV51576 [R 338-349] and the legal conclusions made in Judge Manis' Final Order 2004CV89209 [R 425-438] are invalid. With this in mind, the Petitioner presents no evidence whatsoever that any statement made to the Channel 46 Reporter by Petitioner Blanton is indeed false and made with malice.

It must be clear from all the evidence adduced by Appellee (and indeed, even by statements in Petitioner's Petition and Brief, such as they are), that even if the Trial Court based its holdings upon, for example, of the issue of a statement of opinion being protected accordingly, nonetheless, given the undisputed facts in this matter, Petitioner cannot as a matter of law, support and prove his allegations of defamation. The findings of facts by the Special Master are *res judicata* as to the issues of proper notice of the barment proceeding to Nelson and the perfecting of notice and service of notice in the Quiet Title Petition case.

To the same effect is Final Order Dismissing Case, in civil action file no. 03CV66997, which Final Order is *res*

judicata as to the issue of Petitioner's "due process" rights, as well as notice of the dispossessory and subsequent order granting a Writ of Possession and the resulting eviction proceeding.

CONCLUSION.

This Petition for a Writ of Certiorari is nothing more or less than Petitioner's continuing effort to cast himself as some sort of victim of a vast plot or conspiracy against him, involving literally hundreds of people, including members of the Fulton County government, at least four (4) sitting judges of the Fulton County Court system and the Georgia Court of Appeals, and at least by inference the entirety of the Justices of the Georgia Supreme Court.

All this from a man who did not own the Respondent Property in question at any time during the pendency of the several and various legal actions that have gone on for more than five (5) years now; nor was Gray a taxpayer as to ad valorem taxes on real property; and finally, a person who has suffered no actual loss of property or damages, other than the occupancy of a property in which he, **by his own admissions, was never more than a "caretaker" tenant**.

Furthermore, Petitioner has not, as a matter of fact and law, presented any case or controversy that would justify this Honorable Court in granting the petitioned for Writ, and therefore certiorari is not appropriate.

Finally, under the provisions and authority of Supreme Court Rule 24.6, Blanton requests and moves this court to deny and/or dismiss the Petition for Certiorari, in that the entire document is so riddled and infected with material that is irrelevant, immaterial, in large measure false and fraudulent, and certainly scandalous and outrageous, so as to make the entire petition fatally flawed.

Under these circumstances, Respondent Blanton respectfully submits to this Honorable Court that Petitioner's application for certiorari should and must be denied.

Respectfully submitted,

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